

VZCZCXRO0352  
OO RUEHGI RUEHMA RUEHROV  
DE RUEHKH #1766/01 3421408  
ZNR UUUUU ZZH  
O 071408Z DEC 08  
FM AMEMBASSY KHARTOUM  
TO RUEHC/SECSTATE WASHDC IMMEDIATE 2505  
INFO RUCNFUR/DARFUR COLLECTIVE  
RHMFISS/CJTF HOA

UNCLAS SECTION 01 OF 02 KHARTOUM 001766

DEPT FOR AF A/S FRAZER, SE WILLIAMSON, AF/SPG, AF/C, DRL  
NSC FOR PITTMAN AND HUDSON  
DEPT PLS PASS USAID FOR AFR/SUDAN  
ADDIS ABABA ALSO FOR USAU

SENSITIVE  
SIPDIS

E.O. 12958: N/A  
TAGS: [PGOV](#) [PREL](#) [KDEM](#) [SOCI](#) [SU](#)  
SUBJECT: CAPITALIZING ON CONCILIATORY NCP POSTURE, SPLM CONTINUES TO  
MAKE GAINS

REF: A. KHARTOUM 1701  
[1](#)B. KHARTUM 1687

-----  
SUMMARY  
-----

[1](#)1. (SBU) Deputy Secretary of the Sudan Peoples' Liberation Movement (SPLM) for the Northern Sector Yasir Arman told poloffs that the SPLM leadership had a "productive" political bureau meeting in Juba on December 4. Arman made it clear that the Government of Southern Sudan (GoSS) will reject national census results if the population figures show that the South has less than one third of the nation's population (ref B). He was more positive about recent legislative gains made by the SPLM at the national level. Not only have the SPLM-NCP agreed to hold another session of Parliament starting in late January of 2009, but they also agreed on reformed national press/media legislation and both parties committed to discuss the referendum bill in the upcoming Parliamentary session. While generally positive about recent CPA implementation progress, Arman cautioned that a number of things could throw this positive momentum off track; the most worrisome event being an ICC indictment of Government of National Unity (GNU) President Al-Bashir. End Summary.

-----  
SPLM POLITICAL BUREAU MEETING  
-----

[1](#)2. (SBU) Poloffs met with SPLM Deputy Secretary for the Northern Sector Yasir Arman on 6 December to discuss outcomes of the SPLM's Political Bureau meeting held in Juba on 4 December. Arman said that the SPLM leadership discussed the potential ICC indictment of Government of National Unity (GNU) President Al-Bashir, upcoming national and state-level elections, pending national legislation on security, media and the referendum, the Lord's Resistance Army, issues in Southern Kordofan state, the roll-out of national census results, and Darfur. He informed poloffs that he will travel with SPLM Secretary General Pagan Amum, Southern Sudan Legislative Assembly speaker James Wani Igga, and Blue Nile State Governor Malik Agar to Darfur in December to set the stage for SPLM Chairman and GNU First Vice President Salva Kiir Mayardit's long-awaited and previously delayed visit soon thereafter. Arman confirmed that FVP Kiir's is still planning to travel to Ndjamena to meet with Chadian President Idris Deby, also (media reports have Deby meeting with President Bashir possibly this month in Darfur).

-----  
PARLIAMENTARY MATTERS  
-----

[1](#)3. (U) Arman told poloffs that there is NCP-SPLM agreement on draft media/press legislation which, in theory, would increase freedom of the press in Sudan if ratified by the Parliament and approved by the Presidency. According to Arman, the bill will be introduced to Parliament around the 15th of December.

¶4. (SBU) Arman said that the Parliament has submitted a proposal to the Presidency to close the current session of Parliament on 23rd December and reopen for a new session in late January. If approved, Arman said that the early 2009 session would focus on the ratification of key legislation such as the security law, the criminal code, the 2011 referendum bill, and the media/press acts (if not passed in the current session). The referendum bill currently being discussed by the NCP and the SPLM was first drafted by SPLM Parliamentary Caucus Chairman Manoah Aligo Donga and refined by the Government of Southern Sudan (GoSS) Ministry of Legal Affairs (MoLA). In this controversial bill, all southerners living outside of southern Sudan at the time of the referendum (i.e. - internally-displaced southerners living in the northern Sudan and Southern Sudanese refugees outside Sudan) are ineligible to vote on southern independence. Arman claimed that the GoSS' reason for excluding Southerners living in the North is to avoid NCP manipulation of this population. Arman said that the NCP has offered its opinion on the draft referendum law and objects to this GoSS' formulation of who can vote. Work on the referendum bill will be an "uphill battle" with the NCP now, said Arman.

-----  
NOT IF, BUT WHEN THE GOSS REJECTS CENSUS RESULTS  
-----

¶5. (SBU) Arman told poloffs that the GoSS is "waiting to see" the census results and will surely reject them if the results are not "logical and reasonable." (ref B) "If the results show that the South has less than one third of the national population, the GoSS will reject them," he said. In so many words, Arman told poloffs that the rejection will come not because the GoSS truly believes the population of the South reaches one third of the population of the

KHARTOUM 00001766 002 OF 002

nation, but because under the CPA the census figures have critical North/South power and wealth-sharing consequences and it does not want to see its relative share of national power decline vis-`-vis the NCP.

-----  
ELECTIONS  
-----

¶6. (SBU) Arman said that the SPLM and the NCP should fix an elections date through consultation, but told poloffs that the National Electoral Commission will be able to greatly influence the political decision on the choice of an elections date (ref B). "We must push for elections on time," said Arman, "but there are a number of big issues to tackle before elections take place," including managing the fall-out of a potential ICC indictment of Al-Bashir, the need for a reformed legislative environment which would enhance the chance of free and fair elections, and the inclusion of Darfur in the electoral process. Arman said it would be a "serious issue" to forgo elections in Darfur because of the security situation. He cautioned that if state elections do take place in Darfur and local representatives are elected to office, it could put a major kink in GoS-Darfur rebel negotiations for power-sharing arrangements in the national government.

-----  
COMMENT  
-----

¶7. (SBU) The SPLM continues to benefit from the NCP's recent, more conciliatory posture in order to make positive democratic gains on the introduction and ratification of reformed national legislation, the push to adopt a referendum law before a newly-elected Parliament is seated, and the SPLM's ability to play a greater role in the Darfur peace process. While positive about current progress, Arman and other high-level SPLM leaders remain cautious about NCP movement, as they are keenly aware that the NCP is always positioned to outwit, outplay, and outlast its opponents. They see the NCP's current "reasonableness" as tactical - the result of international and internal factors which could be dangerous for the regime's survival. Whether the ICC decides to indict Al-Bashir and, if so, whether the UNSC votes to suspend the indictment, the nature of pressure on the regime will surely shift and opposition gains will likely not seem as great.

